

Sex Offender Classification Board Meeting

Minutes

January 19, 2007 – 8:30 a.m.

Present: Pamela Huntsman – chair; Thomas Hearn, Gary Horton, and Moscelene Sunderland, members; Kathy Baird, assistant.

Guests: IDOC Director Brent Reinke and Board of Correction Chair Robin Sandy; Joan Sheehan, Clinical Supervisor; Mark Kubinski, Deputy Attorney General; Shane Evans, Education and Treatment Deputy Chief; Dave Ferguson and Senator Stan Bastian.

Minutes Approval

Minutes of the following meeting were reviewed:

- October 6, 2006 regular meeting
- November 17, 2006 conference call

A MOTION WAS MADE BY THOMAS HEARN TO APPROVE THE OCTOBER 6TH AND NOVEMBER 17TH, 2006 MINUTES AS WRITTEN. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND AND PASSED UNANIMOUSLY.

Budget Update – Kathy Baird, SOCB Assistant

We are half-way through the fiscal year and less than 40% of the SOCB's operating budget remains. Ms. Baird reported that the board will need to conduct some business via conference calls vs. full face-to-face meetings.

Discussion with Director Reinke and Board of Correction Chair Sandy

Board members were introduced to newly-appointed IDOC Director Brent Reinke and Board of Correction Chair Robin Sandy.

- The Federal Adam Walsh Act was discussed. It is very comprehensive and may have a significant impact on public awareness about sexual offenders. The Idaho State Police could also be significantly impacted for implementation of the Act's mandates.
- Psychosexual evaluation costs and quality are concerns across the state.
 - The inability to access offender/offense records is problematic for community evaluators.
- The IDOC has recently discontinued the practice of institutional clinicians conducting psychosexual evaluations on offenders being reviewed by the SOCB. As a result of this decision, the department is covering the costs for these evaluations to be conducted by community certified evaluators.
- Interest remains in the concept of an IDOC-operated, stand-alone facility/diagnostic unit for sex offender assessment. Such a facility may be helpful, but it is not seen as a project for the immediate future.
- Director Reinke suggested developing a focus on overall sex offender management.
 - Substance abuse and mental health issues weigh heavily in managing this population.
 - One (coordinated) message is needed to educate decision makers.
- Ms. Sandy asked whether forced or required programming is helpful for resistant offenders.
 - There is some evidence that this does not work for psychopathic offenders.
 - A prison "denial" group may be helpful in preparation for community treatment during probation or parole supervision.
 - One specific institution is desirable, to address sex offender treatment issues.

Judges Meeting Recap – Deputy AG Mark Kubinski

Ms. Huntsman, Dr. Horton and Ms. Baird gave a presentation during the recent District Judges conference. Mr. Kubinski felt the presentation went well.

- The point was made about (only) utilizing certified psychosexual evaluators.
- Question was raised of the board developing a checklist of evaluation components for auditing purposes.
- In light of the Estrada court case, an idea was expressed about evaluators utilizing a self-incrimination statement or waiver form.

A MOTION WAS MADE BY PAMELA HUNTSMAN TO ADJOURN THE MEETING TO EXECUTIVE SESSION. THE MOTION WAS SECONDED BY MOSCELENE SUNDERLAND, AND PASSED UNANIMOUSLY.

Executive Session

- Legal review, pursuant to I.C. 67-2345 (1)(f).

The meeting returned to regular session.

Education and Treatment Division Update – Deputy Chief Shane Evans

As discussed earlier with Director Reinke, the IDOC is currently covering the costs for SOCB-required psychosexual evaluations.

- It was suggested that the SOCB submit an FY'09 budget request for evaluation funding. Although the department is helping with these costs now, surplus funds may not always be available to enable this practice.

Executive session was resumed.

- Psychosexual Evaluator Certification Application Reviews.
 - 5 applications were reviewed and approved for certification.

The meeting returned to regular session.

Discussion with Dave Ferguson and Senator Bastian

Mr. Ferguson is a local sex offender-treatment counselor. This discussion was to provide him an opportunity to express concerns and ideas regarding sex offender management.

- The state does not have a tiered sex offender risk-level system.
- Sex offenders are discharging their prison sentences without supervision or treatment.
- "Supervised registration" for high-risk category offenders is an idea that would tie a form of community supervision with sex offender registration. Offenders who discharge their sentences from prison would be viewed as high-risk.
 - Argument was raised that this population can't just be assumed to be high risk.
 - A risk assessment process should determine risk level.
 - One idea expressed was for the Idaho State Police to assume supervision as an extension of the registration law.
 - It was also suggested that the SOCB could be responsible for assuming the offender risk assessment task.
- Senator Bastian stated that he had spoken with counsel at the AG's office, and there may be constitutional concerns over requiring treatment or polygraphs after sentence discharge.
- Question was raised whether there is any way to differentiate offenders who are deemed as high-risk per the Adam Walsh Act, but who are also considered as low risk by assessment; and vice versa.

- Appropriate funding and staffing must accompany any proposals for future processes or responsibilities.

Miscellaneous Business

- Board members expressed concern that certified evaluators don't seem to utilize polygraphs with their psychosexual evaluations.
- Evaluator Conference
 - The board is making plans for a 2-day workshop on sex offender evaluation and risk assessment. Target attendance population is certified psychosexual evaluators, however it will also be open to other clinical and criminal justice professionals.
 - Suggestions were made for possible consultants to conduct the training.
- The board will meet again on Friday, 5/11/07.
 - Conference calls are scheduled for Wednesday, 2/21/07 and Friday, 4/6/07.

The meeting was concluded at 2:30 p.m.

Submitted by:
Kathy Baird
Management Assistant